

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marco FILICORI
Title: UNITARY COMBINATIONS
OF FSH AND hCG
Appl. No.: 10/559,610
Filing Date 01/31/2006
Examiner: Regina M. Deberry
Art Unit: 1647
Confirmation 1532
Number:

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the Patent Term Adjustment (PTA) determined for the application.

The Patent Office determined that the application was entitled to 37 days of PTA. It appears that the RCE filed on 03/19/2010 was entered as having been filed 03/19/2009. This error on the part of the Patent Office impacts the overall PTA calculation and award. Moreover, Applicant believes that this PTA determination does not take into account PTA due under 35 USC § 154(b)(1)(B).

Applicant has calculated PTA for the captioned application, and has determined that the application is entitled to 256 days PTA, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702(a) and (b), and under 37 CFR §§1.703(a) and (b).

The attached sheet details the circumstances during the prosecution of the application resulting in PTA deductions under § 1.704.

(a) Total of non-overlapping PTO delay under §154(b)(1)(A) & (B): 682 days
(b) Total Applicant delay: 426 days
Final PTA Determination: 256 days

Applicant therefore respectfully requests that the patent be accorded 256 days PTA, or more if it takes longer than 4 months for the patent to issue.

The application is not subject to a terminal disclaimer.

As this Request is being filed due to Patent Office errors, Applicant believes no fee is due with this Request. However, the Commissioner is authorized to charge any fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 31, 2011

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Patent Term Adjustment Calculation System

Docket Number: 033236-0147
Application Number: 10/559610

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	06/03/2003	-916		
Edit Delete	International Filing Date	06/02/2004	-551		
	PCT National Stage Commencement Date	12/05/2005	0		
Edit Delete	National Stage Entry (All 371(c) & (f) Requirements Met)	01/31/2006	57		
	14 month From Application date	03/31/2007	481		
Edit Delete	Restriction Requirement	10/31/2007	695	214	
Edit Delete	Restriction Requirement Response Received at PTO	11/30/2007	725		
Edit Delete	Non-Final Office Action	03/21/2008	837		
	Non-Final Office Action + 3 months	06/21/2008	929		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	09/22/2008	1,022		93
Edit Delete	IDS Rcv'd at PTO - No Statement under 1.704(d)	11/26/2008	1,087		65
	3 Year Period Starts	12/05/2008	1,096		
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	01/22/2009	1,144		
Edit Delete	Final Office Action	01/30/2009	1,152	(8)	
	Final Office Action + 3 months	04/30/2009	1,242		
Edit Delete	Notice of Appeal Received at PTO	07/28/2009	1,331		89
Edit Delete	Final Office Action Response Received at PTO	07/28/2009	1,331		
Edit Delete	Final Office Action	09/21/2009	1,386		
	Final Office Action + 3 months	12/21/2009	1,477		
	3 Year Period Stopped	03/18/2010	1,564	468	
Edit Delete	Request For Continued Examination (including amendment)	03/19/2010	1,565		88
Edit Delete	Non-Final Office Action	06/09/2010	1,647		
	Non-Final Office Action + 3 months	09/09/2010	1,739		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	12/09/2010	1,830		91
Edit Delete	Notice of Allowance	03/02/2011	1,913		
Totals:				682	426
PTA:				256	